

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHESAPEAKE APPALACHIA, L.L.C.,

Plaintiff,

v.

SCOUT PETROLEUM LLC and SCOUT
PETROLEUM II LP,

Defendants.

Case No. 4:14-cv-00620

(Judge Brann)

**PLAINTIFF CHESAPEAKE APPALACHIA, L.L.C.'S
MOTION FOR SUMMARY JUDGMENT ON COUNT I**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiff Chesapeake Appalachia, L.L.C. (“Chesapeake”) respectfully moves for summary judgment in its favor on Count I of the Complaint. By this Motion, Chesapeake seeks a judgment declaring the Court, not an arbitrator or arbitrators, must decide whether class action arbitration is available pursuant to the leases at issue. The reasons for granting this motion are set forth in the accompanying memorandum in support of this motion. *See* M.D. Pa. Local Rule 7.5.

Dated: April 4, 2014

Respectfully submitted,

/s/ Daniel T. Brier

Daniel T. Brier
Myers, Brier & Kelly LLP
425 Spruce St. Suite 200
Scranton, PA 18501
Tel: (570) 342-6100
Fax: (570) 342-6147

Daniel T. Donovan (*pro hac vice*
forthcoming)

Ragan Naresh (*pro hac vice*
forthcoming)
Kirkland & Ellis LLP
655 Fifteenth Street, NW
Washington, DC 20005
Tel: (202) 879-5000
Fax: (202) 879-5200

*Attorneys for Chesapeake Appalachia,
L.L.C.*

CERTIFICATE OF NON-CONCURRENCE

I, Daniel T. Brier, hereby certify that my co-counsel, Ragan Naresh, Esquire, conferred with counsel for Defendants Scout Petroleum LLC and Scout Petroleum II LP, Alessandra Phillips, Esquire regarding this Motion. Defendants object and do not consent to the filing of this Motion.

/s/ Daniel T. Brier

Dated: April 4, 2014

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2014, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties who have appeared in this action via the Court's electronic filing system. Parties may access this filing through the Court's system.

Furthermore, copies of the foregoing were served via U.S. mail and electronic mail to the following:

Robert L. Pratter, Esq.	Thomas D. Kitch, Esq.
Stewart L. Cohen, Esq.	Gregory J. Stucky, Esq.
Alessandra C. Phillips, Esq.	David G. Seely, Esq.
COHEN, PLACITELLA, & ROTH, P.C.	FLEESON, GOOING, COULSON & KITCH, L.L.C.
2001 Market Street Suite 2900 Philadelphia, PA 19103 215-567-3500	1900 EPIC Center 301 N. Main Wichita, KA 67202

/s/ Daniel T. Brier

Counsel